

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00019-FDW

WILLIAM F. MACKEY,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Motion to Quash Subpoena Nunc Pro Tunc. (Doc. No. 53). Trial in this matter commenced on July 13, 2021, and on July 15, 2021, Plaintiff's counsel attempted to serve a subpoena on Defendant's witness, Brandi Dotson. Defendant made an oral motion to quash, and the Court indicated its intention to grant such motion upon the filing of a written memorandum.

As Defendant states in its Memorandum, the Case Management Order ("CMO") issued in this case required all trial witnesses to be subpoenaed at least fourteen (14) days before the first day of trial. (Doc. No. 9, p. 13). Plaintiff's counsel attempted to subpoena a witness on the *second day of trial*, which is in violation of the CMO. Accordingly, because Plaintiff's counsel did not comply with the CMO, see Saudi v. Northrop Grumman Corp., 427 F.3d 271, 279 (4th Cir. 2005) (finding no abuse of discretion when trial court granted motion to quash because subpoena was untimely per the local rules), and for the reasons stated in Defendant's Memorandum, Defendant's Motion to Quash, (Doc. No. 53), is GRANTED.

IT IS SO ORDERED.

Signed: July 19, 2021

